

WARREN COUNTY BOARD OF SUPERVISORS

JOINT COMMITTEE MEETING: PLANNING & COMMUNITY DEVELOPMENT AND PARKS, RECREATION & RAILROAD

DATE: MAY 29, 2007

PLANNING & COMMUNITY DEVELOPMENT**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS STEC
 BELDEN
 MONROE
 TESSIER
 CHAMPAGNE

COMMITTEE MEMBERS ABSENT:

SUPERVISORS GABRIELS
 MASON

PARKS, RECREATION & RAILROAD**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS VANNES
 F. THOMAS
 GERAGHTY
 MERLINO

COMMITTEE MEMBERS ABSENT:

SUPERVISORS HASKELL
 O'CONNOR

OTHERS PRESENT:

REPRESENTING THE PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT:

PATRICIA TATICH, DIRECTOR
WAYNE LAMOTHE, ASSISTANT DIRECTOR
MARTIN FITZGERALD, CONSTRUCTION COST
COORDINATOR

REPRESENTING THE PARKS, RECREATION & RAILROAD
DIVISION:

PAUL BUTLER, DIRECTOR
WILLIAM THOMAS, CHAIRMAN
PAUL DUSEK, COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
SUPERVISOR CAIMANO
WILLIAM LAMY, DPW SUPERINTENDENT
MICHAEL DUFALT, EMPIRE HERITAGE
MAURY THOMPSON, THE POST STAR
TONY HALL, LAKE GEORGE MIRROR
AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST

Mr. Stec called the joint meeting of the Planning & Community Development and Parks, Recreation & Railroad Committees to order at 9:05 a.m.

Mr. Stec apprised that the special meeting had been called at the request of Paul Dusek, County Attorney, with respect to the proposal made by the Village of Lake George for the desired site of the future Outdoor Drama Theater.

Privilege of the floor was extended to Mr. Dusek who reminded the Committees that the Board of Supervisors had previously authorized the pursuance of an agreement between Warren County and the Village of Lake George, whereby the County would acquire the property desired for the proposed Outdoor Drama Theater. He noted that there were now two major hurdles facing the acquisition of the property; the fact that special State legislation was needed to acquire the property, and the fact that the property was not vacant, as originally thought. Mr. Dusek stated that a bill request had been presented to the State Legislature upon the County's behalf to authorize acquisition of the desired property; however, the legislative session was quickly coming to an end. Secondly, he explained, upon researching the property further, he had discovered that not only was the property not vacant, it was saddled with federal grant funds for projects that had occurred on it. Mr. Dusek

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displayed a map of the property desired, pointing out that although the County wished to acquire only a small portion of the property, the proposal made by the Village of Lake George was for a larger parcel which included a pond, a dam, basketball courts, a concession stand and a parking area. In addition, he noted, a portion of the property had been improved with the use of Federal grant funding and he said that he did not think the Committee had been aware of these issues as he had not been either.

Mr. Dusek advised that prior to any form of conveyance to the County, a survey would be necessary at an additional cost of approximately \$5,900, which the County would be responsible for. He noted that the survey would have to be completed in a very short period of time to meet the close of the legislative session. Mr. Dusek asked if a survey could be completed within the next three to four days to meet this deadline, and Martin Fitzgerald, Construction Cost Coordinator, replied in the negative.

Mr. Tessier asked why the State Legislature was involved in the conveyance and Mr. Dusek replied that because the property was considered park land, the only way that the Village could transfer ownership of the property to the County would be through an act of the State Legislature. Mr. Dusek noted that the New York State Parks Commission was also concerned with the future use of the property in light of the grant funds used for improvements to the parcel. Patricia Nenninger, Second Assistant County Attorney, clarified that two federal grants had been allotted for improvements to the property, one of which funded the addition of baseball fields and the other for the addition of basketball courts and the winter ice-rink.

Mr. Dusek stated that as the County Attorney, he was very concerned over the liability issues that might be acquired by accepting the conveyance of property housing a dam and a pond, and the Committees were in agreement with these concerns.

Mr. Tessier apprised that the site had been chosen specifically to include the pond and it was planned that the stage of the Outdoor Drama Theater would be placed on one side of the pond and seating on the other.

Mr. Dusek stated that although he felt that the site might still feasibly be used for the Outdoor Drama Theater project, his primary concern was that by rushing the project to meet the State Legislation deadlines, they might be acquiring additional liability issues unbeknownst to them.

Discussion ensued with respect to the matter.

It was the consensus of the Committee that the placement of the Outdoor Drama Theater project should be postponed until the 2008 State Legislative session to further research the property and come to a favorable agreement with the Village of Lake George for the use of the property.

Mr. Monroe stated that the County should take the position that they wished to lease only the

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property needed to facilitate the proposed Outdoor Drama Theater and Mr. Dusek agreed that would be a much better option.

Mr. Merlino reminded the Committee that the Outdoor Drama Theater project had previously been intended for a site in the Town of Lake Luzerne; however, an alternate site had been chosen due to increased costs at the Town level. He asked if a total cost had been estimated for the project if it were placed at the Village of Lake George site and Mr. Stec replied in the negative. Mr. Merlino stated that in light of the other financial necessities of the County, such as the much needed Health and Human Services Building, it was only fair to the Warren County taxpayers that a final figure for the cost of the project be provided. Mr. Stec agreed that this was an excellent point; he added that although an estimated cost was available, it was not known what percentage the County would be responsible for. Mr. Monroe noted that the project should proceed one step at a time with language built into the lease agreement with the Village of Lake George such that the County would have the ability to prematurely terminate the lease if the project became too costly.

Mr. Stec recalled that in past discussions with the Village of Lake George the County's scope of interest, limited to a particular portion of the parcel, had been voiced and he asked if the Village was unwilling to offer the limited portion of property desired. Mr. Dusek replied that the Village had reduced the amount of property originally proposed to the County, curtailing it to the areas he had indicated earlier in the meeting, although that portion of the property did entail facets the County was not interested in maintaining. He stated that because the Committees were worried about missing the State Legislative session, they had rushed the project and now needed to return to the process to determine a defined parcel, develop a cost agreement for the property which was favorable to all parties and gain an approximation of the property description which could be shared with the New York State Parks Commission to work through the grant issues. He said that if all of this could be done prior to the 2008 Legislative Session they would be in much better shape to present the request for acquisition of the desired property at that time.

Discussion ensued.

Mr. VanNess stated that this delay would allow Mr. Dusek to approach the Lake George Village Board with the specifics of their request to determine if a better arrangement could be made. Mr. Dusek agreed that he and Ms. Nenninger, along with members of the Planning Committee, should do so to come to a more favorable agreement.

Motion was made by Mr. Belden, seconded by Mr. Monroe and carried unanimously to postpone the Outdoor Drama Theater project until the 2008 Legislative Session and until all necessary information was obtained through the New York State Office of Parks. In the meantime, the County would continue to pursue a lease option with the Village of Lake George limited to only that portion of the property where the project would be located and not the adjacent facilities listed in the proposal delivered by the Village.

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Paul Butler, Director of Parks, Recreation & Railroad, stated that he had been involved in meetings with Robert Blais, Mayor of the Village of Lake George, during which it had been expressed that the Village desired a long term lease of the parcel, for \$1.00 per year contingent upon County support in the amount of \$30,000 annually towards maintenance of the surrounding recreational property. Mr. Butler advised that the meeting had been well documented and copies of the information taken from it were available to anyone wishing to peruse them. Mr. Dusek stated that one of the most prevalent issues hindering the project was the varying accounts given of different meetings held with respect to the cost of the property. For instance, he cited, the Village Board had adopted a resolution which reflected their willingness to allow the use of the property at a cost of \$1 per year, which was far different than the scenario Mr. Butler had recanted. Mr. Belden suggested that a meeting should be scheduled in the fall at which the members of both Committees, Mr. Dusek, Mayor Blais, the Village's Attorney and the Village Board members should be present to determine the details of the lease agreement.

As there was no further business to come before the Committees, on motion made by Mr. Belden and seconded by Mr. Champagne, Mr. Stec adjourned the meeting at 9:26 a.m.

Respectfully submitted,
Amanda Allen, Legislative Office Specialist